

***Remarks***

Reconsideration of rejected claims 1-12, as well as newly-presented claim 13, is respectfully requested.

In the Office action dated December 1, 2003 (application Paper No. 4), the Examiner rejected various combinations of the pending claims under 35 USC §§ 102(e) and 103(a). The Examiner's various rejections will be discussed below in the order appearing in the Office action.

**35 USC § 102(e) Rejection - Claims 1-3**

The Examiner first rejected claims 1-3 under 35 USC 102(e) as being anticipated by US Patent 6,799,063 (Krane). In particular, the Examiner cited Krane as teaching a "system" for providing announcements/prompts, the system including "a centralized service" (e.g., Web site server), a "telecommunications device" disposed near the user (e.g., Web access server), and a telephone. In response to the Examiner's rejection, applicant has amended claim 1 to clearly define the purpose of the telecommunications device is to "download" from the centralized server "a predetermined subset of files associated with said user characteristics from said plurality of files". There is no disclosure or discussion in Krane with respect to only downloading a particular subset of files based on a user's characteristics (for example, the language spoken by the user, the user's location and/or the type of communication device being employed by the user). The Examiner is directed to the specification at, for example, page 5, line 21 for a discussion of the "user characterization file" that is implemented to properly download the correct subset of files.

Based on this amendment to claim 1, therefore, applicant believes that claims 1-3 are no longer anticipated by Krane and thus respectfully request the Examiner to reconsider this rejection and find claims 1-3 to be in condition for allowance over Krane.

**35 USC § 103(a) Rejection - Claims 4-7, 9 and 11-12**

The above-identified set of claims was next rejected by the Examiner under 35 USC 103(a) as being unpatentable over Krane (as applied to claim 1) in further view of US Patent 6,222,838 (Sparks). In light of the amendment to independent claim 1, it is asserted that claims 4-7 are likewise allowable over the combination of Krane and Sparks. There is no teaching or suggestion in Sparks regarding a system that downloads “a predetermined subset of files associated with said user characteristics from said plurality of files”, as defined by amended claim 1.

In this rejection, the Examiner cited Sparks at column 3, lines 4-33 as teaching the practice of file selection “based upon the determined subscriber characteristics”. Applicant has carefully reviewed Sparks, but can find no such teaching. Sparks is directed, in one aspect, to both a computer and telephone interaction between an individual and a “call agent” of some sort, where the individual may input his/her telephone number for a callback from the agent. This aspect of Sparks is not considered to be equivalent with the inventive arrangement of using *a priori* “stored” user characteristics that are subsequently used to select a proper subset of files. Therefore, based on this lack of teaching, applicant asserts that the combination of Krane and Sparks cannot be used to render obvious the teaching of the present invention as defined by amended claim 9, or claims 11 and 12 which depend therefrom.

Applicant thus respectfully requests the Examiner to reconsider this rejection and find claims 4-7, 9, 11 and 12 to all be in condition for allowance over the combination of Krane and Sparks.

**35 USC § 103(a) Rejection - Claim 8**

Claim 8 was next rejected by the Examiner under 35 USC 103(a) as being unpatentable over Krane (as applied to claim 1), in further view of US Patent 6,505,255 (Akatsu et al.). The Akatsu et al. reference is cited by the Examiner as specifically teaching the use of an HFC network. Regardless of the teaching of Akatsu et al.,

applicant asserts that the combination still lacks any teaching of downloading “a predetermined subset of files associated with said user characteristics from said plurality of files”, as defined in claim 1 (from which claim 8 depends). Based on this lack of teaching, therefore, applicant respectfully requests the Examiner to reconsider this rejection and find claim 8 to be in condition for allowance.

**35 USC § 103(a) Rejection - Claim 10**

Lastly, the Examiner rejected claim 10 under 35 USC 103(a) as being unpatentable over the combination of Krane and Sparks (as applied above), in further view of US Patent 6,058,166 (Osder et al.). The Osder et al. was cited by the Examiner as teaching the use of subsets of different prompts recorded in different languages. While this may be a correct teaching of Osder et al., it is asserted that the Osder et al. arrangement relies on the user, in real time, requesting that prompts be played in a different language. In contrast, the method of the present invention functions to “determine” the user characteristics and then uses these characteristics to provide the proper prompt set - with no input from the user.

Based on this difference, therefore, applicant asserts that the combination of Krane, Sparks and Osder et al. cannot be found to render obvious the subject matter of the present invention as defined by claim 10.

**Additional Claim**

Applicant has added a new dependent claim to this application, based upon claim 1, which further defines the “user characteristics” as comprising “the user’s language, location and subscribed-to telecommunication services”, this language seen as being consistent with method claim 10.

Applicant believes that the case, in its present form, is now in condition for allowance and respectfully requests an early and favorable response from the Examiner in that regard. If for some reason or other the Examiner does not agree that the case is ready to issue and that an interview or telephone conversation would further the prosecution, the Examiner is invited to contact applicant's attorney at the telephone number listed below.

Respectfully submitted,

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